

DAVID Z. ARAKAWA, 2908
Corporation Counsel
GREGORY J. SWARTZ, 4856
Deputy Corporation Counsel
City and County of Honolulu
Honolulu, Hawaii 96813
Telephone: 523-4629

Attorneys for Defendant

FILED IN THE
UNITED STATES DISTRICT COURT
DISTRICT OF HAWAII

NOV 02 2001

at 11 o'clock and 15 min. AM
WALTER A. Y. H. CHINN, CLERK

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF HAWAII

JIM McCONNELL AND MARK EDWARDS,)	CIVIL NO. 96-01111 DAE/KSC
)	(CIVIL RIGHTS)
Plaintiffs,)	
)	STIPULATION REGARDING COURT
vs.)	APPOINTED MONITOR AND ORDER;
)	EXHIBIT "A"
CITY AND COUNTY OF HONOLULU,)	
)	
Defendant.)	
_____)	

STIPULATION REGARDING COURT APPOINTED MONITOR AND ORDER

WHEREAS, the parties having conferred on the issue of this Court appointing a monitor as to the Defendant's compliance and implementation of the Consent Decree and Order filed herein on May 5, 1997 and the revised Transition Plan of September 17, 2001 attached hereto as Exhibit "A";

IT IS HEREBY STIPULATED AND AGREED TO, by and between the parties herein, through their respective counsel, that:

1. The court appointed monitor shall be Paul Sheriff of Honolulu, Hawaii (hereinafter referred to as "Monitor"). The City shall enter into a contract with Paul Sheriff at \$100 per

hour (all inclusive) to pay for his services as Monitor consistent with this Stipulation. Any procurement laws, ordinances, or rules inconsistent with this Stipulation are hereby waived.

2. The Monitor shall:

a. Be responsible for reporting on, evaluating and monitoring the Defendant's compliance with and efforts toward implementing the Consent Decree and Order filed herein on May 5, 1997 and the revised Transition Plan of September 17, 2001;

b. Have access to all necessary information and documentation in the possession of or available to Defendant in fulfilling its responsibilities under this Stipulation;

c. Have the ability to meet and confer freely with any and all parties herein; however, in doing so the Monitor shall disclose all communications conducted to all parties;

d. Be responsible for creating and issuing quarterly reports to the Court and parties;

e. Respond as appropriate to written inquiries received from either of the parties hereto in writing and disclose the same to the other party;


f. Make recommendations concerning any modifications, changes and improvements to the process of constructing the curb ramps and the enforcement of compliance; and

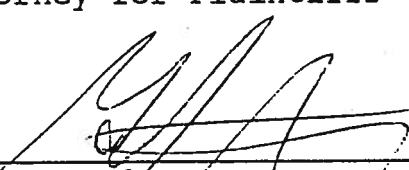
g. Submit invoices to the Magistrate Judge for review and approval prior to their submittal to the City.

3. Any party who disagrees with any action or recommendation made by the Monitor may appeal the same to the United States District Court, for the District of Hawaii, pursuant to 28 U.S.C. § 626.

4. The Monitor may be dismissed or replaced as it may become necessary, by either (a) stipulated agreement by the parties hereto with approval of the Court, or (2) by order of the Court upon the petition of any party hereto, when exceptional circumstances are shown.

DATED: Honolulu, Hawaii, OCT 31 2001.


STANLEY E. LEVIN
Attorney for Plaintiffs


GREGORY J. SWARTZ
Attorney for Defendant

APPROVED AND SO ORDERED:

KEVIN S.C. CHANG

JUDGE OF THE ABOVE-ENTITLED COURT

STIP-MONITOR.DOC

McConnell, et al. v. City and County of Honolulu; Civil No.
96-01111 DAE/KSC; STIPULATION REGARDING COURT APPOINTED MONITOR
AND ORDER.

TABLE 1
ADA TRANSITION PLAN SCHEDULE

6-YEAR TRANSITION PLAN SCHEDULE

FY	No. of Int.	No. of Elements*	Est. Cost
	362		\$ 8,766,500
2001	405	1165	\$ 8,792,000
2002	597	1496	\$ 8,765,000
2003	621	1401	\$ 8,760,000
2004	443	1113	\$ 8,795,500
2005	461	1167	\$ 6,707,000
Totals	2889	6342	\$ 50,586,000

*No. of elements (curb ramps) associated with the intersections identified in the Transition Plan.

PROPOSED REVISED TRANSITION PLAN SCHEDULE

PI

FY	No. of Elements (Curb Ramps)						Total
	A	B	C	D	E	F	
2002	660	254	59	237	8	5	1223
2003	457	182	-	817	-	-	1456
2004	24	400	-	193	461	-	1078
2005	-	-	174	-	205	455	834
2006	-	-	-	-	-	-	0
2007	-	-	-	-	-	-	0
Totals	1141	836	233	1247	674	460	4591

PII

FY	No. of Elements (Curb Ramps)						Total
	A	B	C	D	E	F	
2002	62	30	-	21	3	1	117
2003	-	-	-	-	-	-	0
2004	-	-	-	-	-	-	0
2005	8	-	-	-	-	-	8
2006	851	-	-	936	-	-	1787
2007	8	518	63	249	192	70	1100
Totals	929	548	63	1206	195	71	3012

Notes:

- 1 In conjunction with previously implemented or on-going rehabilitation and resurfacing of streets alteration projects, about 797 curb ramps from FY 2003 to FY 2007 are expected to be implemented by the end of 2002. Another 269 curb ramps from FY 2003 to FY 2007 are expected to be implemented by the City's BRT project.
- 2 58 additional request curb ramps will be implemented as part of the FY 2002 program and are not reflected in the above schedule.

TABLE 2
PROPOSED REVISED ADA TRANSITION PLAN COST

	1999	2000	2001	2002	2003*	2004*	2005*	2006*	2007*	Total
Des		202	1065	1456	1078	842	1787	1100		7530
Con		95	202	1196	1456	1078	842	1787	1100	7756
\$Des	\$2.4M	\$2.7M	\$3.7M	\$3.9M	\$3.5M	\$2.7M	\$4.7M	\$3.7M		\$27.3M
\$Con/Insp			\$1.1M	\$11.5M	\$10.3M	\$11.7M	\$10.7M	\$11.0M	\$10.7M	\$67.0M
	\$2.4M	\$2.7M	\$4.8M	\$15.4M	\$13.8M	\$14.4M	\$15.4M	\$14.7M	\$10.7M	\$94.3M

*In conjunction with previously implemented or on-going rehabilitation and resurfacing of streets alteration projects, about 797 curb ramps from FY 2003 to FY 2007 are expected to be implemented by the end of 2002. Another 267 curb ramps from FY 2003 to FY 2007 are expected to be implemented by the City's BRT project.